THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.25093 of 2005

Date:28.11.2005

Mohd Hussain

--------PETITIONER

The Executive Director (C & N)

MGBS, Imlibun, Hyderabad

and others

---------RESPONDENTS

ORDER:

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The petitioner is a Depot Manager. When he was working in that capacity at Badvel depot, he was placed under suspension through orders, dated 17.11.2005, passed by the

1st respondent. The petitioner challenges the same stating that the allegations made therein are contrary to the record and invented, on account of the prevailing political situation at Badval. He flatly denies the imputations made against him. Petitioner also contends that he is prepared to face the enquiry and the allegations are such that they do not warrant any suspension pending enquiry.

Heard learned counsel for the petitioner and learned standing counsel for Corporation.

Basically, the petitioner is accused of three acts of misconduct; namely, passing

inconsistent disciplinary orders of punishment against the employees in the depot; misuse of bus in transporting goods and taking the bus through unauthorized route to reach his personal destination. By their very nature, these allegations need a probe by the appointing or the inquiring authority. The truth or otherwise of these allegations needs to be considered only after consideration of the explanation that may be submitted by the petitioner or the report that may ensue, in the enquiry. It is too early for this Court to arrive at any conclusion.

Inasmuch as the charges do not relate to any allegations of misappropriation, insubordination etc., this court is of the view that the enquiry needs to be concluded within a period of two months. In case, the respondents are not able to conclude the disciplinary proceedings, they shall have to consider the feasibility of reinstating the petitioner, and posting him in a different place, if necessary.

For the foregoing reasons, the writ petition is disposed of, directing the 1st respondent to conclude enquiry initiated against the petitioner, within a period of two months from the date of receipt of a copy of this order, duly following the prescribed procedure. In case, the proceedings are not concluded within that time, he shall consider the feasibility of reinstating the petitioner, if necessary, by posting him to a different place. There shall be no order as to costs.

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28.11.2005

Note: Furnish copy in three days.

(B/o)

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